

NOV 01 2005

**WOOD, HERRON & EVANS, L.L.P.**

BRUCE TITTEL  
DONALD F. FREI  
DAVID B. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, PH.D.  
KRISTIL L. DAVIDSON

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234  
WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY

KATHRYN E. SMITH  
P. ANDREW BLATT, Ph.D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.

OF COUNSEL  
JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

November 1, 2005

**FACSIMILE COVER SHEET**

To: Examiner Joseph D. Manoskey  
Art Unit 2113  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of Facsimile  
Transmission (2 pages)  
Request for Continued Examination (RCE) (in  
duplicate) with Authorization to Charge  
Deposit Account 23-3000 in the amount of  
\$790.00 for the RCE Fee (2 pages, including  
duplicate)  
Amendment and Response (8 pages)

From: Douglas A. Scholer  
Reg. No. 52,197

Re: U.S. Patent Application  
Serial No. 09/932,140  
Filed: August 17, 2001  
Applicant: Brian Eric Bakke et al.  
Art Unit: 2113  
Confirmation No.: 5139  
Our Ref: IBM/178

Pages: 13 (including cover sheet)

**MESSAGE/COMMENTS  
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (13 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Joseph D. Manoskey, Art Unit 2113, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on November 1, 2005.

*Judith L. Volk*  
Judith L. Volk

*November 1, 2005*  
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you.  
If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

NOV 01 2005

**PATENT**  
Att'y Docket No. IBM/178  
Confirmation No. 5139

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (13 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Joseph D. Manoskey, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on November 1, 2005.

*Judith L. Volk*  
Judith L. Volk

*November 1, 2005*  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian Eric Bakke et al. Art Unit: 2113  
Serial No.: 09/932,140 Examiner: Joseph D. Manoskey  
Filed : August 17, 2001  
For : METHOD AND APPARATUS FOR PROVIDING REDUNDANT ACCESS TO  
A SHARED RESOURCE WITH A SHAREABLE SPARE ADAPTER

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is a Request for Continued Examination (RCE) and an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	29	minus	30	0	\$50	\$0.00
Independent Claims	3	minus	3	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

☒ No additional fee for claims is required.

Page 1 of 2  
Serial No. 09/932,140  
Transmittal for RCE and Amendment of November 1, 2005  
IBM Docket: ROC920000284US1  
WH&E IBM/178

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$\_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$\_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

**OR**


- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

  
Douglas A. Scholer  
Reg. No. 52,197

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

**Enclosed:**

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)  
Transmittal containing Certificate of Facsimile Transmission (2 pages)  
Request for Continued Examination (RCE) (in duplicate) with Authorization to Charge Deposit Account 23-3000 in the amount of \$790.00 for the RCE Fee (2 pages, including duplicate)  
Amendment and Response (8 pages)